

**AMENDMENT**

**IN THE SPECIFICATION**

Please amend the specification as indicated in Appendix A submitted herewith according to 37 C.F.R. § 1.121 concerning a manner for making amendments.

**IN THE CLAIMS**

Please amend the claims as indicated in Appendix B submitted herewith according to 37 C.F.R. § 1.121 concerning a manner for making claim amendments.

**REMARKS**

Claims 1-3, 5-7, 9-11, 14 and 16-17 are presently pending in the captioned application. Claims 1-3, 5-7, 9-11, 14 and 16 are currently amended. Claims 4, 8, 12-13 and 15 are canceled without disclaimer or prejudice as to the subject matter contained therein. Claim 17 is pending as previously presented.

Claims 1-3, 5-7, 9-11, 14 and 16 are amended to recite that that presently claimed invention is directed to a *powder* wherein the powder is a dry mass of very fine metal

oxide·organopolysiloxane hybrid *particles*. Support for the amendment can be found in originally filed claims 10 and 11 and in the specification at page 3, line 11.

The specification has been amended as to informalities to correct the formula (1) on page 3 and formula (2) on page 4 because there is no oxygen between silicon on the right of the formula. Support for the correct formulas (1) and (2) can be found in originally filed claims 4 and 8. The specification has also been amended to replace the term "powder" with "particles" where appropriate to recite "metal oxide·organopolysiloxane hybrid particles".

The specification is also amended to indicate that the present invention relates to metal oxide·organopolysiloxane hybrid particles and a powder composition made from those particles.

No new matter within the meaning of § 132 has been added by any of the amendments.

Applicants respectfully note that the outstanding Office Action stated withdrawal of a § 112, ¶ 2 rejection in paragraph 1. However, the withdrawn rejection is under § 112, ¶ 1 rather than § 112, ¶ 2. The notation is made for clarification purposes.

Accordingly, Applicants respectfully request the Examiner to enter the indicated amendments and reconsider the rejections in view of the remarks and allow all presently pending claims.

1. Rejection of Claims 1-2, 5, 14 and 16  
under 35 U.S.C. § 102(e)

The Office Action rejects claims 1-2, 5, 14 and 16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,200,580 ("Horino et al."). The Office Action states:

Horino discloses a powder material where metal such as titanium is covalently bonded to silicon via oxygen atom (column 13, lines 40-47 and example 1). Horino does not specifically disclose the surface area of the metal oxide but indicates that the amount of the silicone relative to the surface area of the metal oxide is important for the texture of the cosmetic as it relates to touch, adhesion to the skin, color extension and the inhibition of flocculation of the particles (column 8, lines 9-18). The teaching of HORINO meets the limitation of the claims.

Applicants respectfully traverse the rejection because Horino et al. fails to teach each and every claimed limitation. The invention of Horino et al. is completely different from that of the presently claimed invention because the particles of Horino et al. are **surface** treated with methyl hydrogen polysiloxane and reactive alkylpolysiloxane. In contrast, the particles of the powder of the present invention are a metal oxide-organopolysiloxane hybrid wherein a silicon atom of the organopolysiloxane is bonded by a covalent bond with a metal atom through an oxygen atom. In other words, the particles making up the powder of the present invention

are wholly comprised of a metal oxide·organopolysiloxane hybrid in particulate form whereas Horino et al. simply teaches surface coating a base particle to form the powder.

Clearly, one of ordinary skill in the art would not have been able to make the presently claimed metal oxide·organopolysiloxane homogenously hybridized particles from the teachings of Horino et al. without expenditure of his own inventive effort. In particular, the presently claimed particles are produced by polycondensing the hydrolysis products of titanium alkoxide and organopolysiloxane derivatives with each other to form a hybrid sol. The titanium oxide and organopolysiloxane are homogenously formed such that a phase separation cannot be observed in the particle when observed by an optical microscope.

Horino et al., on the other hand, teaches making a powder by first combining an extender, a compound powdered pigment, a white pigment, a colored pigment and a pearl pigment into a powdered base material that is then **surface-treated** with methyl hydrogen polysiloxane and reactive alkylpolysiloxane. Therefore, the surface-treated particles of Horino et al. has a completely different structure from the particles of the present invention wherein the metal oxides and silicon chains of Horino et al. are not homogenously hybridized as in the presently claimed invention.

Applicants emphasize that the particles of the claimed invention are wholly comprised of metal oxide-organopolysiloxane hybrid both inside and out and not just on the surface as is taught by Horino et al.

The rule of law

The Federal Circuit has spoken clearly and at some length on the question of anticipation. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Those elements must be expressly disclosed as in the claim. In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990).

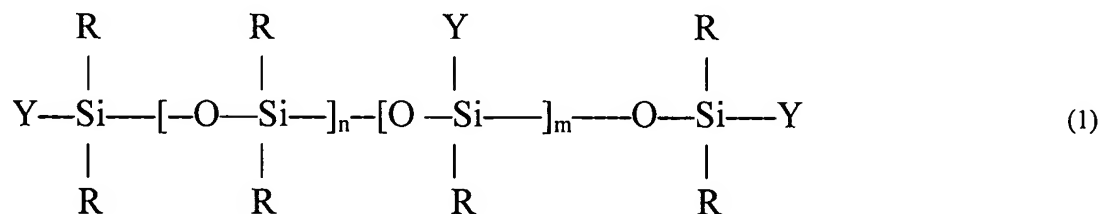
The prior art reference must also be enabling, thereby placing the allegedly disclosed matter in the possession of the public. In re Brown, 329 F.2d 1006, 1011, 241 USPQ 245, 249 (C.C.P.A. 1964). In order to accomplish this, the reference must be so particular and definite that from it alone, without experiment or the exertion of his own inventive skill, any person versed in the art to which it pertains could construct and use it. Id. at 250.

Finally, the Federal Circuit has made clear that a negative pregnant is not enough to show anticipation. Rowe v. Dror, 112 F.3d 473, 42 USPQ2d 1550 (Fed. Cir. 1997). Thus, where a reference

does not explicitly describe anything inconsistent with a claimed use, if that reference nevertheless fails to make an affirmative suggestion of the claimed limitations, that reference cannot anticipate the claimed use. Id.

Amended claim 1

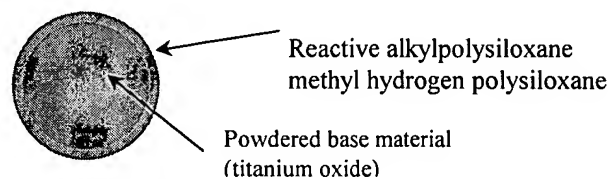
In the present application, amended claim 1 recites a powder, comprising metal oxide-organopolysiloxane hybrid particles wherein a silicon atom of the compound which forms residue group represented by general formula (1),



wherein, R is an alkyl group selected from the group consisting of a methyl group, an ethyl group and a propyl group, a phenyl group and can be same or can be different, Y is a group represented by -R or -R<sup>1</sup>-Si(-O-)<sub>3</sub>, wherein R<sup>1</sup> is an alkylene group of carbon number 1-5, and can be same or can be different and at least one is -R<sup>1</sup>-Si(-O-)<sub>3</sub>, n=1-100 and m=0-5 is bonded by covalent bond with a metal atom through an oxygen atom.

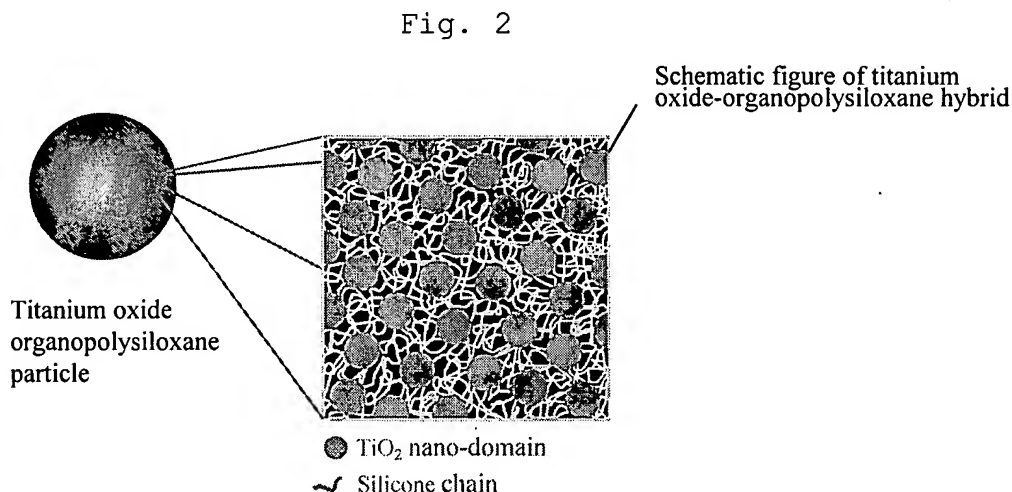
Horino et al. does not anticipate the claimed invention

Horino et al. fails to teach the presently claimed homogenously hybridized particles and instead teaches a powdered base material treated with organic silicon compounds affixed onto the surface thereof. See Horino et al. at col. 4, lines 55-62. The powdered base material of Horino et al. is itself made up of an organic and inorganic powdered base material, which in turn includes a pigment. See id. at col. 5, lines 15-22. The pigment includes an extender, a compound powdered pigment, a white pigment, a colored pigment, a pearl pigment and the like. The powdered base material is then surface-treated with methyl hydrogen polysiloxane and reactive alkylpolysiloxane. See id. at col. 13, lines 10-18. The following Fig. 1 shows the surface-treated powdered base material treated with organic silicon compounds of Horino et al.



In contrast, the presently claimed powder is comprised of homogenously hybridized particles wherein organopolysiloxane is

bonded with the metal oxide. As shown in the exploded portion of the following Fig. 2, the nano-domain of titanium oxide are bonded with the silicon chain and make up the particle rather than being adhered onto the surface of the powdered base material as taught by Horino et al. Further, there are covalent bonds between the nano-domain of titanium oxide and the silicon chains. In other words, the particles of the claimed invention are comprised of a metal oxide-organopolysiloxane hybrid as shown by Fig 2.



Clearly, one of ordinary skill in the art would not have been able to make the presently claimed metal oxide-organopolysiloxane homogenously hybridized particles based on the teachings of Horino et al. because Horino et al. only teaches surface-coating a powdered base material. See Horino et al. at col. 13, line 10. One of ordinary skill in the art would not have been able to arrive



at the presently claimed homogenously hybridized particles without expenditure of his inventive effort. Horino et al. clearly fails to teach each and every claimed limitation insofar as the structure is completely different from that of the claimed invention. Therefore, a *prima facie* case of anticipation has not been established.

Accordingly, Applicants respectfully submit that claims 1-2, 5, 14 and 16 are unanticipated over Horino et al. and request reconsideration and withdrawal of the outstanding rejection under § 102(e).

**2. Rejection of Claims 1-3, 5-7, 9-10 and 14**  
**under 35 U.S.C. § 102(b)**

The Office Action rejects claims 1-3, 5-7, 9-10 and 14 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,843,525 ("Shibasaki et al."). The Office Action states:

Shibasaki discloses treating a metal oxide having a specific surface area of from 5 to 500 m<sup>2</sup>/g with a silane coupling agent; the fine particles are further treated with organopolysiloxane so that the organosiloxane becomes bonded to the surface of the particles in a stable bond (abstract, column 2, lines 30-45). A point along the surface area continuum of 5 to 500 m<sup>2</sup>/g surface area would anticipate larger than 50 m<sup>2</sup>/g. Example 2 of Shibasaki discloses preparation of titanium oxide organopolysiloxane and heating is

involved in the process which would imply that the metal be inherently covalently linked to the silicon atom. Shibasaki meets the limitations of the claims.

Applicants respectfully traverse the rejection because Shibasaki et al. fails to teach each and every claimed limitation. The invention of Shibasaki et al. is completely different from that of the presently claimed invention because Shibasaki et al. teaches surface-modified metal oxide fine particles obtained by hydrophobic treatment of the metal oxide fine particles with a silane coupling agent and treating each of the metal oxide fine particles with a terminus reactive group sealing type organopolysiloxanemethyl polysiloxane and a reactive alkylpolysiloxane.

In contrast, the particles of the powder of the present invention are a metal oxide·organopolysiloxane hybrid wherein a silicon atom of the organopolysiloxane is bonded by a covalent bond with a metal atom through an oxygen atom. In other words, the particles making up the powder of the present invention are wholly comprised of a metal oxide·organopolysiloxane hybrid in particulate form whereas Shibasaki et al. simply teaches surface coating a base particle to form the powder. See Abstract.

One of ordinary skill in the art would not have been able to make the presently claimed metal oxide·organopolysiloxane

homogenously hybridized powder from the teachings of Shibasaki et al. without expenditure of his own inventive effort.

The presently claimed particles are produced by polycondensing the hydrolysis products of titanium alkoxide and organopolysiloxane derivatives with each other to form a hybrid sol. The titanium oxide and organopolysiloxane are homogenously formed such that a phase separation cannot be observed in the particle when observed by an optical microscope.

Applicants emphasize that the particles of the claimed invention are wholly comprised of metal oxide-organopolysiloxane hybrid both inside and out and not just on the surface as is taught by Shibasaki et al.

#### The rule of law

The Federal Circuit has spoken clearly and at some length on the question of anticipation. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Those elements must be expressly disclosed as in the claim. In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990).

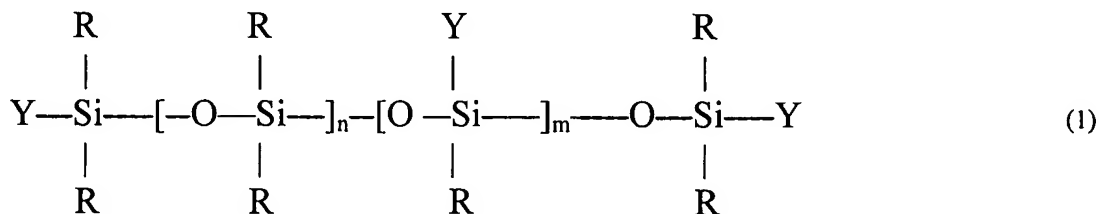
The prior art reference must also be enabling, thereby placing the allegedly disclosed matter in the possession of the public. In

re Brown, 329 F.2d 1006, 1011, 241 USPQ 245, 249 (C.C.P.A. 1964). In order to accomplish this, the reference must be so particular and definite that from it alone, without experiment or the exertion of his own inventive skill, any person versed in the art to which it pertains could construct and use it. Id. at 250.

Finally, the Federal Circuit has made clear that a negative pregnant is not enough to show anticipation. Rowe v. Dror, 112 F.3d 473, 42 USPQ2d 1550 (Fed. Cir. 1997). Thus, where a reference does not explicitly describe anything inconsistent with a claimed use, if that reference nevertheless fails to make an affirmative suggestion of the claimed limitations, that reference cannot anticipate the claimed use. Id.

#### Amended claim 1

In the present application, amended claim 1 recites a powder, comprising metal oxide-organopolysiloxane hybrid particles wherein a silicon atom of the compound which forms residue group represented by general formula (1),



wherein, R is an alkyl group selected from the group

consisting of a methyl group, an ethyl group and a propyl group, a phenyl group and can be same or can be different, Y is a group represented by  $-R$  or  $-R^1-Si(-O-)_3$ , wherein  $R^1$  is an alkylene group of carbon number 1-5, and can be same or can be different and at least one is  $-R^1-Si(-O-)_3$ ,  $n=1-100$  and  $m=0-5$  is bonded by covalent bond with a metal atom through an oxygen atom.

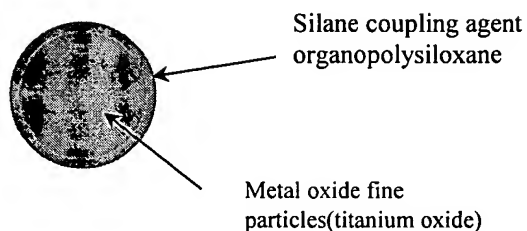
Shibasaki et al. does not anticipate the claimed invention

Shibasaki et al. fails to teach the presently claimed homogenously hybridized particles. Instead, Shibasaki et al. teaches surface-modified metal oxide fine particles obtained by hydrophobic treatment of metal oxide fine particles with a silane coupling agent and then treating the metal oxide fine particles at each terminus with a reactive group sealing type organopolysiloxane. See Shibasaki et al. at col. 2, lines 19-27. Example 2 of Shibasaki et al. teaches a super fine titanium oxide particle treated by octyltrimethoxysilane to impart a hydrophobic property. See Shibasaki et al. at col. 6, lines 43-55. The particles are then treated with  $\alpha, \omega$ -dihydroxydimethyl-polysiloxane.

In other words, Shibasaki et al. relates to a surface-treated powder to which a silane coupling agent is adhered wherein each terminus reactive group sealing type organopolysiloxane is reacted

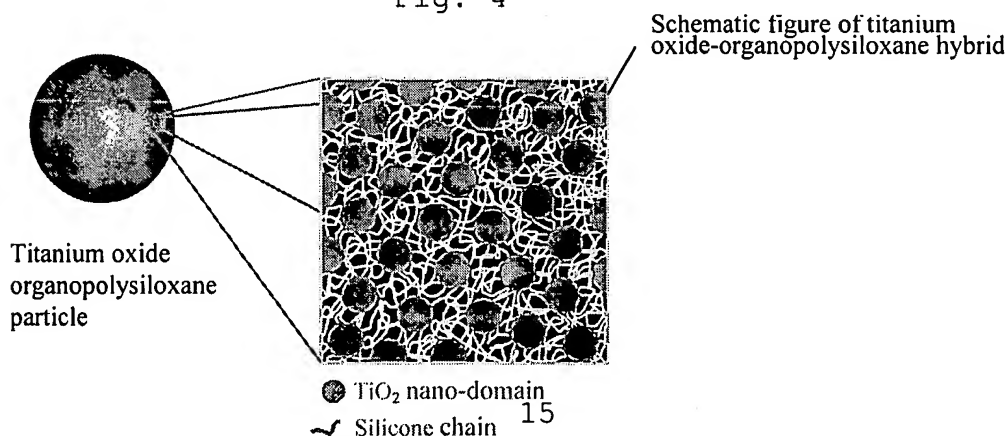
as shown by the following Fig. 3.

Fig. 3



In contrast, the presently claimed powder is comprised of homogenously hybridized particles wherein organopolysiloxane is bonded with the metal oxide. As shown in the exploded portion of the following Fig. 4, the nano-domain of titanium oxide are bonded with the silicon chain and make up the particle rather than being adhered onto the surface of the powdered base material as taught by Shibasaki et al. Further, there are covalent bonds between the nano-domain of titanium oxide and the silicon chains. In other words, the particles of the claimed invention are comprised of a metal oxide-organopolysiloxane hybrid as shown by Fig 4.

Fig. 4



Clearly, one of ordinary skill in the art would not have been able to make the presently claimed metal oxide-organopolysiloxane homogenously hybridized particles based on the teachings of Horino et al. because Shibasaki et al. only teaches surface-coating a powdered base material. See Shibasaki et al. at Abstract. Given that the interactions take place on the surface of the formed powdered base material, the method taught by Shibasaki et al. would not result in a homogenously hybridized powder of the claimed invention.

In contrast, the presently claimed particles are produced by polycondensing the hydrolysis products of titanium alkoxide and organopolysiloxane derivatives with each other to form a hybrid sol. The titanium oxide and organopolysiloxane are homogenously formed such that a phase separation cannot be observed in the particle when observed by an optical microscope.

One of ordinary skill in the art would not have been able to arrive at this method of making the presently claimed homogenously hybridized particles without expenditure of his inventive effort. Shibasaki et al. clearly fails to teach each and every claimed limitation insofar as the structure is completely different from that of the claimed invention. Therefore, a *prima facie* case of anticipation has not been established.

Accordingly, Applicants respectfully submit that claims 1-3,

5-7, 9-10 and 14 are unanticipated over Shibasaki et al. and request reconsideration and withdrawal of the outstanding rejection under § 102(b).

**3. Rejection of Claims 3, 10-11 and 17**  
**under 35 U.S.C. § 103(a)**

The Office Action rejects claims 3, 10-11 and 17 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,200,580 ("Horino et al."). The Office Action states:

Horino discloses a powder material where a metal such as titanium is covalently bonded to silicon via oxygen atom. Regarding the application of heat in preparation of the powder, Horino disclosed a heating step as can be found in example 1 and the person of ordinary skill would have the know how to determine appropriate temperature for the process. However, Horino does not disclose the surface area of the particles except that the ratio of the siloxane to the surface area of the particles is important to the cosmetic as it relates to texture of the cosmetic such as touch, adhesion to the skin, color extension and the inhibition of flocculation of the particles as discussed above. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to determine the particle size. One having ordinary skill in the art would have been motivated to use the appropriate particle size with the expectation of producing a cosmetic that has the desired texture in terms of touch, feel, adhesion to the skin, color extension and inhibition of flocculation of



the particles.

Applicants respectfully traverse the rejection because Horino et al. fails to establish a *prima face* case of obviousness. Horino et al. fails to teach each and every claimed limitation and is completely different in structure. The particles of Horino et al. are **surface** treated with methyl hydrogen polysiloxane and reactive alkylpolysiloxane. In contrast, the particles of the powder of the present invention are a metal oxide·organopolysiloxane hybrid wherein a silicon atom of the organopolysiloxane is bonded by a covalent bond with a metal atom through an oxygen atom. In other words, the particles making up the powder of the present invention are wholly comprised of a metal oxide·organopolysiloxane hybrid in particulate form whereas Horino et al. simply teaches surface coating a base particle to form the powder.

The presently claimed homogenously hybridized particles also unexpectedly allow for controlling the refractive index without altering the powder shape or particle size while retaining desirable porosity, mechanical and optical properties. The dispersing ability, dispersing stability and water repellency can be further improved. The present invention particles also have elastic properties such that the "hard feeling" of known metal oxide powder is not present in the presently claimed powder.

On the other hand, the surface-treated powdered base material of Horino et al. has a completely different structure from the powder of the present invention wherein the metal oxides and silicon chains of Horino et al. are only surface coated on an organic and inorganic powdered base material and possess the known problems of a high refractive index, undesirable cohesion and wettability.

The rule of law

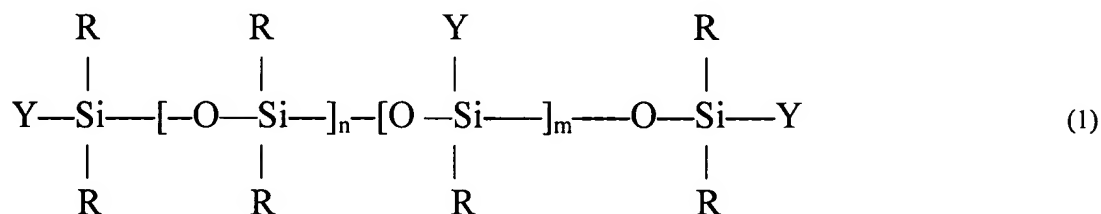
The Federal Circuit held that a *prima facie* case of obviousness must establish: (1) some suggestion or motivation to modify the references; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all claim limitations. Amgen, Inc. v. Chugai Pharm. Co., 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); In re Wilson, 165 USPQ 494, 496 (C.C.P.A. 1970).

Even if a *prima facie* case of obviousness has been established, secondary considerations such as commercial success, long felt but unsolved need, failure of others, and unexpected results may nevertheless give rise to a patentable invention. Graham v. John Deere Co., 148 U.S.P.Q. 459 (1966). Where the claimed and prior art products are substantially similar, a *prima*

*facie* case of obviousness can also be rebutted by demonstrating that the prior art products do not possess the characteristics of the claimed invention. In re Best, 196 U.S.P.Q. 430, 433 (C.C.P.A. 1977).

Amended claim 1

In the present application, amended claim 1 recites a powder, comprising metal oxide-organopolysiloxane hybrid particles wherein a silicon atom of the compound which forms residue group represented by general formula (1),



wherein, R is an alkyl group selected from the group consisting of a methyl group, an ethyl group and a propyl group, a phenyl group and can be same or can be different, Y is a group represented by -R or -R<sup>1</sup>-Si(-O-)<sub>3</sub>, wherein R<sup>1</sup> is an alkylene group of carbon number 1-5, and can be same or can be different and at least one is -R<sup>1</sup>-Si(-O-)<sub>3</sub>, n=1-100 and m=0-5 is bonded by covalent bond with a metal atom through an oxygen atom.

Horino et al. does not render obvious the claimed invention

Horino et al. fails to teach the presently claimed homogenously hybridized particles and instead teaches a powdered base material treated with organic silicon compounds affixed onto the surface thereof. See Horino et al. at col. 4, lines 55-62. The powdered base material of Horino et al. is itself made up of an organic and inorganic powdered base material, which in turn includes a pigment. See id. at col. 5, lines 15-22. The pigment includes an extender, a compound powdered pigment, a white pigment, a colored pigment, a pearl pigment and the like. The powdered base material is then surface-treated with methyl hydrogen polysiloxane and reactive alkylpolysiloxane. See id. at col. 13, lines 10-18. The following Fig. 5 shows the surface-treated powdered base material treated with organic silicon compounds of Horino et al.

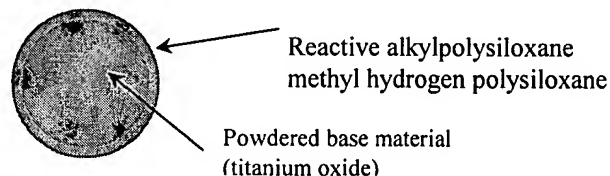
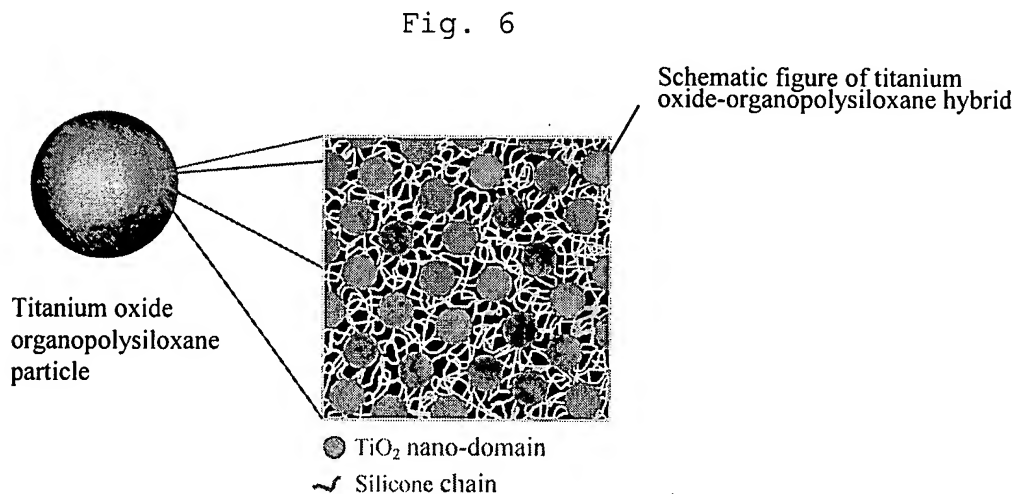


Fig. 5

In contrast, the presently claimed powder is comprised of homogenously hybridized particles wherein organopolysiloxane is

bonded with the metal oxide. As shown in the exploded portion of the following Fig. 6, the nano-domain of titanium oxide are bonded with the silicon chain and make up the particle rather than being adhered onto the surface of the powdered base material as taught by Horino et al. Further, there are covalent bonds between the nano-domain of titanium oxide and the silicon chains. In other words, the particles of the claimed invention are comprised of a metal oxide-organopolysiloxane hybrid as shown by Fig 6.



Clearly, one of ordinary skill in the art would not have been able to make the presently claimed metal oxide-organopolysiloxane homogenously hybridized particles based on the teachings of Horino et al. because Horino et al. only teaches surface-coating a powdered base material. See Horino et al. at col. 13, line 10.

Moreover, the presently claimed invention unexpectedly allows

for controlling the refractive index without altering the powder shape or particle size while retaining desirable porosity, mechanical and optical properties. The dispersing ability, dispersing stability and water repellency can be further improved. The particles of the claimed invention also have elastic properties such that the "hard feeling" of known metal oxide powder is not present in the presently claimed powder.

On the other hand, the surface-treated powdered base material of Horino et al. has a completely different structure from the powder of the present invention wherein the metal oxides and silicon chains of Horino et al. are only surface coated on an organic and inorganic powdered base material and possess the known problems of a high refractive index, undesirable cohesion and wettability. Clearly, a *prima facie* case of obviousness has not been established.

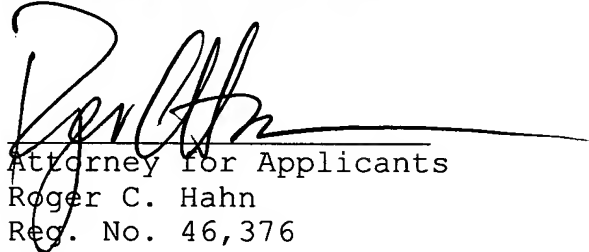
Accordingly, Applicants respectfully submit that claims 3, 10-11 and 17 are unobvious over Horino et al. and request reconsideration and withdrawal of the outstanding rejection under § 103(a).

**CONCLUSION**

In light of the foregoing, Applicants submit that the application is now in condition for allowance. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection of the pending claims and allow the pending claims. Favorable action with an early allowance of the claims pending is earnestly solicited.

Respectfully submitted,

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Attorney Docket No. TAN-296  
MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
NAKADE; KAMEYAMA ) Group Art Unit: 1615  
Serial No. 10/078,402 ) Examiner: B. FUBARA  
Filed: February 21, 2002 )

For: **METAL OXIDE-ORGANOPOLYSILOXANE HYBRID POWDER AND A  
METHOD FOR THE PREPARATION THEREOF AND A COSMETIC  
COMPOSITION THEREWITH**

Appendix A

Please amend the specification according to 37 C.F.R. § 1.121 concerning a manner for making amendments.

Please amend the paragraph starting at line 11 on page 1 as follows.

The present invention relates to a metal oxide·organopolysiloxane hybrid powder particles, and a powder composition made from those particles, and a method for the preparation thereof, and still further relates to a cosmetic composition in which said metal oxide organopolysiloxane hybrid powder is particles are blended.





Attorney's Docket No. TAN-296  
MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

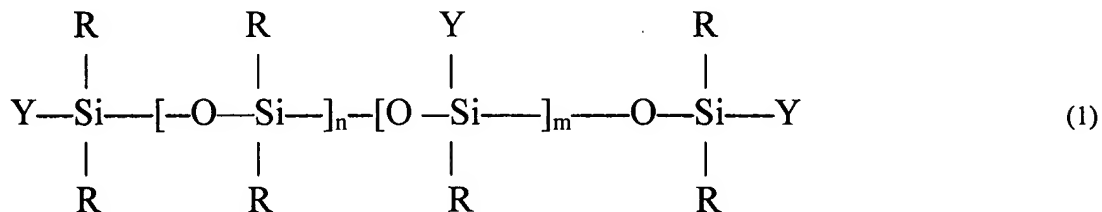
In re Application of: )  
NAKADE; KAMEYAMA ) Group Art Unit: 1615  
Serial No. 10/078,402 ) Examiner: B. FUBARA  
Filed: February 21, 2002 )

For: **METAL OXIDE-ORGANOPOLYSILOXANE HYBRID POWDER AND A  
METHOD FOR THE PREPARATION THEREOF AND A COSMETIC  
COMPOSITION THEREWITH**

Appendix B

Please amend the claims according to the July 30, 2003, revision to 37 C.F.R. § 1.121 concerning a manner for making claim amendments.

1. (Currently Amended) A powder, comprising metal oxide·organopolysiloxane hybrid ~~powder~~, particles wherein a silicon atom of the compound which forms residue group represented by general formula (1),



wherein, R is an alkyl group selected from the group consisting of a methyl group, an ethyl group and a propyl group,

a phenyl group and can be same or can be different, Y is a group represented by  $-R$  or  $-R^1-Si(-O-)_3$ , wherein  $R^1$  is an alkylene group of carbon number 1-5, and can be same or can be different and at least one is  $-R^1-Si(-O-)_3$ ,  $n=1-100$  and  $m=0-5$  is bonded by covalent bond with a metal atom through an oxygen atom.

2. (Currently Amended) The powder comprised of metal oxide·organopolysiloxane hybrid powder, particles of claim 1, wherein metal oxide is titanium oxide and/or zirconium oxide.

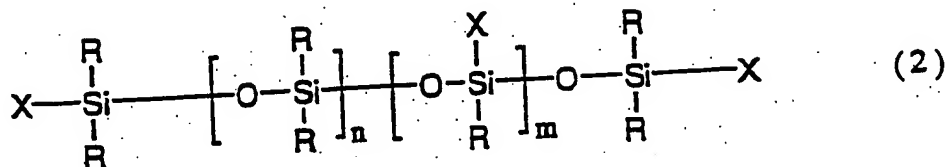
3. (Currently Amended) The powder comprised of metal oxide·organopolysiloxane hybrid powder, particles of claim 1, wherein metal oxide is titanium oxide and whose specific surface area is larger than  $50 \text{ m}^2/\text{g}$ .

4. (Canceled)

5. (Currently Amended) The powder comprised of metal oxide·organopolysiloxane hybrid powder, particles of claim 2 or claim 3, wherein R of general formula (1) is a methyl group.

6. (Currently Amended) A method for producing a powder comprising metal oxide·organopolysiloxane hybrid powder,

particles which comprises; generating sol by hydrolysis of metal alkoxide, adding the organopolysiloxane derivatives represented by general formula (2),

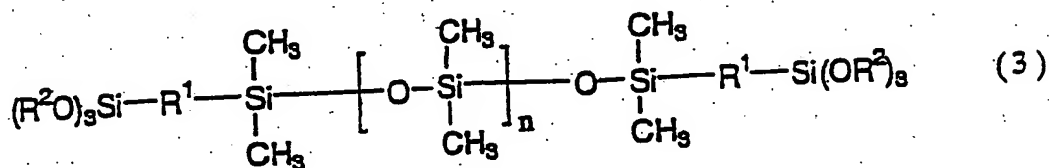


wherein, R is an alkyl group, selected from the group consisting of a methyl group, an ethyl group and a propyl group, a phenyl group and can be same or can be different, X is a group represented by -R, -H or -R<sup>1</sup>-Si(OR<sup>2</sup>)<sub>3</sub>, wherein R<sup>1</sup> is an alkylene group of carbon number 1-5 and R<sup>2</sup> is hydrogen or an alkyl group of carbon number 1-5 and can be same or can be different and at least one is -H or -R<sup>1</sup>-Si(OR<sup>2</sup>)<sub>3</sub>, n=1-100 and m=0-5 to said sol to generate hybrid sol solution, then dropping the obtained hybrid sol solution into mixed solution of alkaline aqueous solution and organic solvent.

7. (Currently Amended) The method for producing a powder comprised of metal oxide·organopolysiloxane hybrid powder, particles of claim 6, wherein metal is titanium and/or zirconium.

8. (Canceled)

9. (Currently Amended) A method for producing a porous powder comprising metal oxide-organopolysiloxane hybrid powder particles which comprises; generating sol by hydrolysis of titanium alkoxide, adding organopolysiloxane derivatives possessing end alkoxy groups represented by general formula (3) so as the molar ratio of alkoxide of titanium and said organopolysiloxane derivatives to be 3:1-50:1, to said sol to generate hybrid sol solution,



wherein  $R^1$  is an alkylene group of carbon number 2-4,  $R^2$  is  $CH_3$  or  $C_2H_5$  and  $n=6-16$ ,

then dropping the obtained hybrid sol solution into mixed solution of alkaline aqueous solution and organic solvent.

10. (Currently amended) A titanium oxide-silica composite prepared by heat treatment of porous titanium oxide-organopolysiloxane hybrid powder particles, wherein a silicon atom of the organopolysiloxane is bonded by covalent bond with a titanium atom through an oxygen atom and hybridized

homogeneously and whose specific surface area is larger than 50 m<sup>2</sup>/g.

11. (Currently amended) A producing method of the titanium oxide·silica composite by the heat treatment at the temperature of 300-700 °C of porous titanium oxide·organopolysiloxane hybrid ~~powder~~ particles, wherein a silicon atom of the organopolysiloxane is bonded by covalent bond with a titanium atom through an oxygen atom and hybridized homogeneously and whose specific surface area is larger than 50 m<sup>2</sup>/g.

12. (Canceled)

13. (Canceled)

14. (Currently Amended) A cosmetic composition comprising the powder comprised of metal oxide·organopolysiloxane hybrid ~~powder~~, particles of any one of claims 1 to 3.

15. (Canceled)

16. (Currently Amended) A cosmetic composition comprising the powder comprised of metal oxide·organopolysiloxane

hybrid ~~powder~~, particles of claim 5.

17. (Previously Presented) A cosmetic composition  
comprising the metal oxide-silica composite of claim 10.